

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
vs.)
Plaintiff,)
JOSE ALONSO-CASTRO,)
Defendant.)
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Case No.: 2:11-cr-00097-GMN-CWH-2
ORDER

ORDER

Before the Court is Defendant Jose Alonso Castro’s Motion to Vacate, Set Aside or Correct his Sentence (ECF No. 47). The Defendant’s motion consists only of Ground One which advises that he “would like to apply for citizenship in the United States.” He explains that he has just learned of a federal law that allows him to apply and he would like this time to apply.

However, the Defendant was convicted of Possession with Intent to Distribute a Controlled Substance in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii). Citizenship is not an element of the criminal offense. Therefore, it is not apparent how his request for an opportunity to apply for citizenship could provide relief to the Defendant from his criminal conviction pursuant to 28 U.S.C. § 2255.

IT IS THEREFORE ORDERED that having failed to provide a basis for relief pursuant to 28 U.S.C. § 2255, the Defendant's Motion to Vacate, Set Aside or Correct his Sentence (ECF No. 47) is **DENIED without prejudice**.

DATED this 17th day of April, 2014.

Gloria M. Navarro, Chief Judge
United States District Court